

JURISDICTION:

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General References:

This chapter summarizes Arizona State statutes related to speed.
Arizona Revised Statutes Annotated and Arizona Administrative Code (AAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent speed under the conditions and actual and potential hazards then existing. §28-701(A) & (D)

Statutory Speed Limit:

- I. 15 MPH approaching a school crossing¹ §28-701(B)(1)
- II. 25 MPH in business or residential district¹ §28-701(B)(2)
- III. 65 in other locations¹ §28-701(B)(3)
- IV. 65 MPH on interstate highways outside of urban areas with a population ≥50,000 §28-702.04(A) See II under Posted (Maximum) Speed Limit below.
- V. 65 MPH (1) for vehicles weighing >26,000 lbs. excluding vehicles designed to carry 16 or more persons including the driver or (2) for vehicles drawing a pole trailer weighing ≥6,000 lbs. §28-709(A)

Posted (Maximum) Speed Limit:

- I. (1) Based on engineering and traffic investigations, the Director of the State Department of Transportation may alter or vary the above statutory speed limits on the State highway system.² §28-702 (2) Based on engineering and traffic investigations, the Department may increase the speed limit for vehicles >26,000 or for vehicles drawing a pole trailer.³ §28-709(B)
- II. Based on engineering and traffic investigations, the Director of the State Department of Transportation may increase the maximum speed limit on interstate highways outside of urban areas with a population ≥50,000 to 75 MPH. §§28-702 & 28-702.04(C)
- III. Based on engineering and traffic investigations, local governments may increase (but not >65 MPH) or decrease the speed limits on highways under their jurisdiction. §28-703
- IV. Based on an investigation, the Director of the State Department of Transportation may establish a safe maximum speed limit of any bridge or elevated structure. §28-706(B) & (C)

Minimum Speed Limit:

- I. A person shall not drive a motor vehicle at a speed which is less than that which is reasonable and prudent under the existing circumstances. §28-701(E)

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit: (continued)

- II. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §28-704(A)
- III. A person, driving at less than the normal speed of traffic, shall drive in

¹Exceeding this speed limit "is *prima facie* evidence that the speed is too great and therefor unreasonable." §28-701(B)

²This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §28-702 In addition, on a multiple lane highways with two or more separate roadways, different *prima facie* speed limits may be established on each roadway. §28-703.02

³Based upon engineering and traffic investigations, the Department may require these vehicles to operate only in certain lanes on specific highways. §28-735

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the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §28-721(B)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Director of the State Department of Transportation or local government officials may establish a minimum speed limit on a highway. §28-704(B)

Other:

I. A person shall not drive a vehicle that is equipped with solid rubber tires >10 MPH. §28-706(A)

II. A person shall not drive a vehicle that is towing a trailer or semitrailer at a rate of speed that causes the trailer or semitrailer to sway laterally from the lane of traffic. §28-896

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Speed Laws is a Civil (Non Criminal) Traffic Infraction §28-121(B)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

N/A

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than **\$250⁴** §28-1598

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. §§28-3306 & 3307 and AAC R17-4-506 (via the point system⁵)

II. The court may allow a violator to attend defensive driving school. The civil charges shall be dismissed if the offender successfully completes the course. However, a person can only attend this course once in any 24 month period. §§28-3392 & 28-3393

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Other:

An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02

⁴**Limited Sanctions for Exceeding a Posted Speed Limit of 55 MPH.** On highways with a posted maximum speed limit of 55 MPH, a person, who exceeds this limit but whose speed was ≤65 MPH, is subject to a fine of not more than \$15 plus assessments which can be ≤60% of the fine imposed. A violation is not to be used to establish motor vehicle insurance rates. This offense is "designated as the waste of finite resource currently in short supply and is considered a civil traffic violation." Note: The regular sanctions for a speeding offense apply, if a person exceeds a 55 MPH speed limit by >65 MPH. §§12-116.01, 12-116.02 and 28-702.01(A) & (C)

Licensing Action:
Type of Licensing Action
(Susp/Rev):

Licensing action is via a point system.⁵

Special Note: On highways with posted maximum speed limits of 55 MPH, a person, who is convicted of a speeding offense where the speed was >55 MPH but ≤65 MPH, is not subject to licensing action. §28-702.01(B)

Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class 2 Misdemeanor §28-708(A) & (B)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

1st or subsequent offenses-Not more than **4 months** §13-707(A)(2)

1st offense-None 2nd or subsequent offense (within 24 months)-**10 days**⁶
§28-708(B)

Fine (\$ Range):

1st or subsequent offenses-Not more than **\$750** §13-802(B)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Action is Taken by Agency Licensing via the Courts §28-708(D)

Note: Licensing action is also possible via the Point System.⁵

Licensing Authorized and
Type of Action:

1st offense-Suspension 2nd or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7))-**Revocation** §§28-708(D) & 28-3304(A)(7)

Length of Term of
Licensing Withdrawal:

1st offense-Not more than **90 days** 2nd or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7))-Not more than **1 year** §§28-708(D) & 28-3315(A)

Mandatory Action--Minimum
Length of License
Withdrawal:

1st offense-None 2nd or subsequent offense (within 24 months or

Other Criminal Actions Related to Speeding:
(continued)

⁵**Point System.** A person, who accumulates 8 points within 12 months, either (1) may have their license suspended for not more than 1 year or (2) may be required to attend a traffic education and training course. The following points are assessed for speeding and speed related violations: (1) For a violation of any provision of §28-701-2 points; (2) for either reckless driving or racing on the highways-8 points; and, (3) for any other violation-2 points. AAC R17-4-506 (via §28-202(A)) & §28-3315(A)

⁶An offender may be allowed to leave the incarceration facility for either employment or educational purposes. §28-708(C)

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<u>Racing on Highway:</u> (continued) Mandatory Action--Minimum Length of License Withdrawal: (continued)	within 60 months under §28-3304(A)(7))- Mandatory Revocation However, the law does not provide for a specific revocation period. §§28-708(D) & 28-3315(A)
Other:	I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. §§28-3306 & 3307 and AAC R17-4-506 (via the point system ⁵) II. An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02
<u>Reckless Driving:</u> Sanction: Criminal: Imprisonment (Term):	Class 1 or Class 2 Misdemeanor §28-693(A), (B) & (D) <u>1st offense</u> -Class 2 Misdemeanor-Not more than 4 months <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor-Not more than 6 months §13-707(A)(1) & (2)
Mandatory Minimum Term of Imprisonment:	<u>1st offense</u> -Class 2 Misdemeanor- None <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor- 20 days ⁵ §28-693(D)(2)
Fine (\$ Range):	<u>1st offense</u> -Class 2 Misdemeanor-Not more than \$750 <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor-Not more than \$2,500 §13-802(A) & (B)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	Licensing Action is Taken by Agency Licensing via the Courts §28-693(C) & (D) Note: Licensing action is also possible via the Point System. ⁵
Type of Licensing Action (Susp/Rev):	<u>1st offense</u> - Suspension <u>2nd or subsequent offense</u> (within 24 months or within 60 months under §28-3304(A)(7))- Revocation §§28-693(C) & (D) and 28-3304(A)(7)
Length of Term of License Withdrawal Action:	<u>1st offense</u> -Not more than 90 days <u>2nd or subsequent offense</u> (within 24 months or within 60 months under §28-3304(A)(7))-Not more than 1 year §§28-693(B) & 28-3315(A)
Mandatory Term of License Withdrawal Action:	<u>1st offense</u> - None <u>2nd or subsequent offense</u> (within 24 months or within 60 months under §28-3304(A)(7))- Mandatory Revocation However, the law does not provide for a specific revocation period. §§28-3315(A) & 28-693(D)(4)
Other:	I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. §§28-3306 & 3307 and AAC R17-4-506 (via the point system ⁵) II. An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02
<u>Other Criminal Actions Related to Speeding:</u> (continued) <u>Reckless Driving:</u> (continued) Other: (continued)	III. An offender may be required to pay the costs of their incarceration.

	§28-694(A)
<u>Excessive Speed</u> ⁷ :	Class 3 Misdemeanor §28-701.02(A) & (B)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days §13-707(A)(3)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$500 §13-802(C)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Licensing action is via a point system. ⁵
Length of Term of License Withdrawal Action:	
Mandatory Term of License Withdrawal Action:	
Other:	<p>I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. §§28-3306 & 3307 and AAC R17-4-506 (via the point system⁵)</p> <p>II. The court may allow a violator to attend defensive driving school. The criminal charges shall be dismissed if the offender successfully completes the course. However, a person can only attend this course once in any 24 month period. §28-3392 & 28-3393</p> <p>III. An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02</p>
<u>Aggressive Driving</u> ⁸ :	Class 1 Misdemeanor §28-695(A), (B) & (D)(1)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 6 months §13-707(A)(1)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$2,500 §13-802(A)
Mandatory Minimum Fine:	None

⁷Excessive speed is define as driving either (1) >35 MPH approaching a school crossing, (2) >20 MPH above a posted speed limit (>45 MPH if there is no posted speed limit) in a either business or residential district or >80 MPH in other locations. §28-701.02(A)

⁸A person commits "Aggressive Driving" if **both** of the following occur: (1) If during a "course of conduct, " they violate either the Basic Speed Rule (§28-701(A)) or the "Excessive Speed" law (§28-701.02) **plus** two of the following minor driving offenses: (a) Failure to obey traffic control devices; (b) overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway; (c) unsafe lane change; (d) following a vehicle too closely; and, (e) failure to yield the right-of-way; and, (2) their "driving is an immediate hazard to another person or vehicle." "Course of conduct" means "a series of acts committed during a single, continuous period of driving." §28-695(A) & (F)

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Other Criminal Actions Related to Speeding: (continued)

Aggressive Driving: (continued)

Administrative Licensing Actions:

A person may also be subject to a 2 point assessment under the Point System.⁵ AAC R-17-4-506

Type of Licensing Action (Susp/Rev):

1st offense-Suspension 2nd or subsequent offense (within 24 months)-
Revocation §28-695(C)(2) & (D)(2)

Length of Term of License Withdrawal Action:

1st offense-30 days 2nd or subsequent offense (within 24 months)-**1 year**
§28-695(C)(2) & (D)(2)

Mandatory Term of License Withdrawal Action:

1st offense-None 2nd or subsequent offense (within 24 months)-**1 year**
§28-695(C)(2) & (D)(2)

Other:

I. 1st offenders must "attend and successfully complete approved Traffic Survival School training and education sessions that are designed to improve the safety and habits of drivers...." §§28-695(C)(1) & 28-3307
II. An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02
III. An offender may be required to pay the costs of their incarceration. §28-694(A)

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §28-3312(A)(5) & (6)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 consecutive days** 3 serious violations (within 3 years)-Not less than **120 consecutive days**
§28-3312(A)(5) & (6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 consecutive days** 3 serious violations (within 3 years)-**120 consecutive days** §28-3312(A)(5) & (6)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is a school bus, bus, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §28-3001(3)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving, aggressive driving or racing on the highway. §28-3312(E)